

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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## CRIMINAL PRODUCTIONS, INC.,

Case No. 2:16-CV-2704 JCM (BNW)

Plaintiff(s),

## ORDER

V.

MARIA JENKINS, et al.,

Defendant(s).

Presently before the court is the matter of *Criminal Productions, Inc. v. Jenkins, et al.*, case number 2:16-cv-02704-JCM-BNW. On July 2, 2019, this court granted defendant Tracy Cordoba's motion for attorney fees. (ECF No. 93). Plaintiff Criminal Productions, Inc. timely appealed. (ECF No. 95).

In its memorandum disposition, the Ninth Circuit reversed this court’s decision. (ECF No. 97). The panel found that Tracy Cordoba was not a “prevailing party” as required for attorney fees under the Copyright Act of 1976, because the suit against her was dismissed without prejudice. (*Id.*). “Cordoba did not obtain a material alteration in her legal relationship to Criminal [Productions, Inc.]” (*Id.*).

Accordingly, the court vacates its order and judgment, (ECF Nos. 93, 94), and denies defendants' motion for summary judgment, (ECF No. 80), consistent with the Ninth Circuit's opinion, (ECF No. 97).

Accordingly,

IT IS HEREBY ORDERED, ADJUDGED, and DECREED that the court's order (ECF No. 93) be, and the same hereby is, VACATED.

1 IT IS HEREBY ORDERED, ADJUDGED, and DECREED that the court's judgment (ECF  
2 No. 94) be, and the same hereby is, VACATED.

3 IT IS FURTHER ORDERED that defendant's motion for attorney fees (ECF No. 80) be,  
4 and the same hereby is, DENIED.

5 DATED August 5, 2020.

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7 UNITED STATES DISTRICT JUDGE

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